

CASE SERVICE MANUAL GUIDANCE DEVELOPMENT

- A. Purpose:** The intent of this material is to provide direction to staff in the provision of vocational rehabilitation services to clients of the agency. No attempt is made to cover all situations. Much discretion is given to the staff, as they develop and carry out individualized programs with clients. Those areas not covered in policy are left to the professional judgment of staff.
- B. Development and Approval:** Guidance is developed and approved by the Quality Assurance and Leadership Board (QAALB) and the State Rehabilitation Council (SRC).
- C. Input:** All staff are encouraged to ask questions about and suggest improvements in any part of this manual. Suggestions can be directed to and discussed with any member of the boards listed above. Staff are encouraged to put questions and recommendations in writing. Any staff person may request that an item be placed on the agenda. They also may request an opportunity to meet with the QAALB to discuss an issue. An attempt will be made to respond to all suggestions and questions.

The Rehabilitation Act requires IVRS to periodically conduct public hearings to allow interested groups, organizations and individuals an opportunity to comment on the State Plan for Vocational Rehabilitation Services, Independent Living, State Plan Supplement for Supported Employment and other aspects of the vocational rehabilitation program. When staff receive questions or suggestions regarding the way services are provided from individuals outside the agency, they should request that the question or suggestion be put in writing and forwarded to the committee.

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EXCEPTIONS

A. Definition: The Rehabilitation Act of 1973, as amended, requires that IVRS have a method of allowing for exceptions for all guidance and standards, unless the exception would violate State or Federal laws. Item B. lists the major reasons that will be considered in determining if an exception to will be granted for any good or service. Item C. lists those pieces of the VR process that are required in law and cannot be considered for an exception. Exceptions are considered an amendment to the plan and as such only the Counselor can provide preliminary approval to proceed. Exceptions may only be approved by a supervisor.

B. Reasons for Exceptions: The items listed below are not all inclusive, but do contain the major reasons that will be considered in determining if an exception will be granted. Counselors should not think that just because the client presents one or more of these reasons they are obligated to apply for an exception. Counselors should document in the file that the client asked for an exception. If the counselor denies the request, the client must be informed of their right to review, mediation, and appeal. If the client wants to apply their appeal rights, it is important that the supervisor review the decision to determine if the Agency would be upheld in an appeal.

If the counselor agrees with the exception and submits it to the supervisor, the supervisor must also document their reasons for approval or denial of an exception request in the file. Reasons to consider for exceptions include:

1. the need is disability related
2. family issues such as divorce, loss of income, estrangement make those resources unavailable
3. medical bills related to the disability or that of a family member
4. progress to achieve the vocational goal is in serious jeopardy
5. client considered taking out student loans but given circumstances and future employment opportunities it does not seem feasible

C. Areas in which exceptions cannot be granted: Because these items are a part of the Federal law an exception cannot be granted for -

1. Eligibility requirements (disability, substantial impediment to employment, requiring VR services)
2. Use of Trial Work Experiences prior to closure in Status 08 as too severe
3. Required content of the IPE
4. Identification of long term follow-up provider in supported employment cases
5. Being in employment and in Status 22 for 90 days prior to Status 26 closure
6. Status progression, restrictions, and timeframes, such as eligibility in 60 days or a signed extension
7. Status 26 being in integrated employment

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8. SSDI/SSI recipients being automatically eligible
9. Not providing services to individuals on a waiting list
10. Refusing an application and opening a casefile on an individual who wants to apply
11. Refusing services to an individual because of their age or other characteristics protected by State or Federal civil rights laws
12. Establishing a durational residency requirement before services can be provided
13. Setting an arbitrary limit on the amount of money that can be spent on a client
14. Setting an arbitrary limit on the length of time an individual can be a client

D. Exception Process: Agency staff will review the Exception Policy with clientele. In reviewing the policy, staff will emphasize that they cannot approve anything that is outside their authority to authorize and as such commitments are only made after Supervisory approval. Any time a client is dissatisfied with an agency policy, they should be informed that they can request an exception to policy.

When requesting an exception the agency representative, under the direction of a counselor, shall develop a case note detailing the reasons they believe the exception is warranted, or complete a form created for this purpose. They will present the case note or form to the supervisor for a decision. If the form is used it will be filed in the R-413 section of the file.

The agency representative should be careful to explain to the client in advance that a request for an exception is no guarantee that it will be approved. If the supervisor approves the request they will indicate this by initialing and dating in the margin beside the case note or on the appropriate place on a form requesting the exception. If the Supervisor disapproves the request for the exception, they will indicate their reason in a separate case note in the file or in the designated place on a form. A request for an exception that is denied can be appealed to an impartial hearing officer or resolved through mediation or agency review.

If the exception has financial implications, each related R-450 must also be initialed in the designated space, by the supervisor.

E. Exceptions for Computers: The following process must be followed when a client believes that the purchase of a computer is critical to the vocational goal and progress toward achieving the goal. In considering the purchase of a computer for a client the Counselor must approve or deny the exception before submitting it to the next level.

1. Client completes the Personal Computer Written Request Form and submits it to the Agency Representative or Counselor.

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2. Counselor provides preliminary approval or denial and submits the form to the Supervisor.
3. Supervisor approves or disapproves and provides an explanation for the reason given.
 - a. If the request is disapproved, it is then submitted to the Assistant Bureau Chief for the region.
4. Assistant Bureau Chief makes a determination of agreement or disagreement with the Supervisor's decision.
 - a. The local office is notified of the Assistant Chief's decision.
5. Counselor advises the client of his/her right to appeal an unfavorable decision and provides information of mediation and appeal rights in writing to the client and informs the client of the Iowa Client Assistance Program for help with an appeal.
6. Agency staff submits the Computer IT Assessment form to IT when the decision to purchase the computer is approved.
7. IT completes the Computer Assessment Request form and returns it to agency staff who arrange the purchase of the computer according to all applicable financial participation requirements.

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SCOPE AND RANGE OF SERVICES

Iowa Vocational Rehabilitation Services maintains a written definition of the services available to applicants and clients of the agency, including the conditions under which these may be provided, the criteria which must be met for the services to be provided, and the procedures to be followed in the provision of services.

The following services are available statewide to applicants and clients where they are needed to determine eligibility for rehabilitation services, to develop a plan for employment, and to carry a developed plan to completion.

The Independent Living Program services are also covered by these policies, except where indicated otherwise.

1. Assessment for determining eligibility and vocational rehabilitation needs.
2. Counseling, guidance and referral.
3. Physical and mental restoration services.
4. Vocational (except for ILS) and other training services.
5. Maintenance.
6. Transportation.
7. Services to members of the individual's family necessary to adjustment or rehabilitation of the individual.
8. Interpreter services
9. Notetaker services.
10. Reader services.
11. Telecommunications, sensory and other technological aids and devices.
12. Post-employment services necessary to maintain suitable employment (except ILS).
13. Occupational licenses, tools, equipment, initial stocks and supplies (except ILS).
14. Other goods and services which can reasonably be expected to benefit an individual in terms of employability and independent living.
15. Supported employment (except ILS).
16. Rehabilitation technology services.
17. Personal assistance services.
18. Home modification.
19. Employment. (except ILS)
20. Job Development. (except ILS)
21. Employer Consultation.
22. Small business start ups and expansions (except ILS).

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Information and Referral

The agency has established and maintains a system to ensure that accurate information can be provided to applicants and clients about the services of IVRS and other agencies which might be of assistance to the individual. The agency maintains staff capable of communicating with clients who are unable to use verbal methods of expression. Each office maintains a list of individuals who can provide assistance or a list of other appropriate programs, which might be of benefit to the client.

Religious Vocational Goals

IVRS may provide assistance to an eligible client whose vocational goal is religious in nature, such as preparing to be a minister, director of religious education, etc. The full range of VR services is available to prepare a client who elects a religious vocational goal. VR funds may not be used in the actual practice of a religion or religious related vocation.

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STANDARDS FOR CONSULTANTS AND SERVICE PROVIDERS

- A. Standards for consultants and service providers** – The agency utilizes qualified personnel who determine eligibility and provides services to agency clients. This section deals with those vendors and partners with whom services are arranged, or from whom services are purchased for clients for eligibility determination or delivery of IPE services. Fees paid for services are consistent with the Disabilities Determination Services Bureau Medicare rate fee structure. Additional service approvals can be requested through submission to the QAALB.
1. **Audiological Services** . These services will be purchased only from persons licensed as audiologists. These services can be used for eligibility and planning. Diagnoses related to hearing can be used for eligibility.
 2. **Chiropractic** . The services of a chiropractor can be used in the determination of eligibility for VR services and treatment may be provided as an integral part of the Individual Plan for Employment. Only licensed chiropractors may be used.
 3. **Dental Diagnosis and Treatment** . The services are authorized to and accepted only from licensed dentists. These services are used only in planning.
 4. **Hypnotherapy Treatment** . This may be provided by IVRS when administered by a licensed medical doctor or by a licensed clinical psychologist when such services are recommended by the client's managing physician. This service is used only in planning.
 5. **Medical Diagnosis and Treatment** . These services are authorized to and accepted only from licensed physicians, physicians assistants, and Licensed or Registered Nurse Practitioners. When specific medical specialist exams or treatments are needed, those will be arranged only through persons qualified by training and experience to perform the specific services required. Diagnosis for eligibility may be accepted from these individuals as well as used in planning.
 6. **Native Healing Practitioners** . The agency may utilize the services of native healing practitioners who are recognized as such by an Indian tribe when services are being provided to American Indians with disabilities and the native healing practitioner services are necessary to achieve the individual's vocational rehabilitation objective.
 7. **Optometric Services** . These may be provided by either an optometrist or ophthalmologist, depending upon the specific services needed by the client.

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The person providing the service must be qualified by training and experience to perform that specific service, and be licensed by the State. In cases where questions arise, standards utilized by the Iowa Department for the Blind will be followed.

8. **Prosthetic/Orthotic** . Services of this nature will be arranged for and purchased only from persons on the registry appropriate to the service to be provided. This service is only used in planning.
9. **Psychological Services** . These services include assessment and diagnosis, testing, counseling, and other related services. They may be obtained only from persons licensed by the State in which they are providing the service and are licensed as psychologists, persons on the Iowa School Psychologists Registry, Licensed Independent Social Workers (LISW), Licensed Mental Health Counselors (LMHC) or by a medical doctor (M.D. or D.O.) qualified by training, experience and board certification in the field of psychiatry in cases where there are medical aspects to the psychological problems. (Persons employed by the State of Iowa as psychologists are not required to be licensed or certified for their reports to be used by IVRS.) Reports from a Physician's Assistant or Licensed or Registered Nurse Practitioner supervised by a psychiatrist are also acceptable.
10. **Speech Therapy** . This service will only be purchased from persons licensed in this field by the State in which they are providing the service.
11. **Training and Instruction** . Services involving training and instruction for clients shall be provided through institutions and individuals, which meet the instructional and certification requirements in the particular subject area. If questions arise regarding a particular instructor or institution, the accreditation or certification board for that particular field shall be consulted and their recommendations sought on the particular question. For programs in other states contact the state VR agency to see if they would use the program.
12. **Physical and occupational therapists** . These individuals must be licensed by the State in which they are providing the service.
13. **Educational Services** . These services include the problem solving approach to assessment to determine if a student is entitled to special education services. Evidence documenting that a student has been a recipient of special education services in elementary and secondary school as documented by educational records and IEPs are used to assign an RSA disability code for an impairment. Currently this procedure is allowable only in those area offices which have been approved and participated in the Collaborative Transition Protocol.

B. Consultants . IVRS makes medical, psychological, and psychiatric consultation available as needed.

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GENERAL STANDARDS AND PROVISIONS RELATING TO SERVICES

- A. Age** – No upper or lower age limit will be established which will, in and of itself, result in a finding of ineligibility for any individual who otherwise meets the basic eligibility requirements. Age must follow the work rules in the State of Iowa.
- B. Citizenship** – Aliens who present proper credentials permitting work, or whose status can be properly clarified with the Immigration and Naturalization Service, will not be excluded so long as they will, under normal circumstances, be available to complete a rehabilitation program, including employment in a suitable occupation.
- C. Civil Rights** – Eligibility requirements will be determined without regard to sex, race, age, creed, color, type of disability, sexual orientation, or national origin.
- D. Disability** – No group of individuals will be excluded or found ineligible solely on the basis of they type of their disability. Individuals who are legally blind, will be referred to the Department for the Blind for services. See Reference Manual I-A-1 for procedure.
- E. Economic Need** – The economic circumstances of an individual is not a factor in determining eligibility for vocational rehabilitation services. Economic need is not considered for any service for those who are eligible for SSDI or SSI. Economic Need is not considered when providing reader, interpreter, or personal assistance services, or for post-secondary training services.
- F. Native Americans** – Vocational rehabilitation services are provided to American Indians with a disability residing in the state to the same extent that those services are provided to anyone else.
- G. Residence** – No durational residence requirement will be imposed which excludes from IVRS services any individual who is present in the state and available for services. Clients served by multiple states cannot receive duplicated services and only one state may take the status 26-0.
- H. Responsibility** – All decisions affecting the nature and scope of services, and the provision of those services are made by members of the IVRS staff. This responsibility will not be delegated to any other agency or individual.

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COMPARABLE SERVICES AND BENEFITS

A. Definition . %Comparable services and benefits means: (i) Services and benefits that are -- (A) Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits; (B) Available to the individual at the time they need it to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment; and (C) Commensurate to the services that the individual would otherwise receive from the designated State vocational rehabilitation. (ii) For the purposes of this definition, comparable benefits do not include awards or scholarships based on merit.+ (34 CFR 361.5(b)(10))

B. Application and Use - The agency requires that a client apply for and accept all comparable services and benefits available to the individual under any program to meet, in whole or in part, the cost of VR services provided to the individual, except the following: (1) assessment for determining eligibility, rehabilitation needs, and waiting list placement; (2) counseling and guidance, including information and referral; (3) job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;; (4) rehabilitation technology services; and (5) post-employment services.

A search for comparable services and benefits is not required in cases where a qualified physician has indicated that the client requires the services immediately because the individual is at an extreme medical risk. %Extreme medical risk+means a risk of substantially increasing functional impairment or risk of death if medical services are not provided expeditiously.

A search is also not required if an immediate job placement would be lost because of the time taken to do the search.

C. Documentation - The agency requires that the application, search and response be recorded and documented in the individual client's casefile.

D. Examples of Comparable Services and Benefits: The following examples are **not all inclusive** but illustrate the type of comparable benefits and services available:

1. Veterans' Administration
2. Medicaid Waiver
3. Insurance
4. Pell Grant
5. General Assistance
6. Other Grants Awarded to Partners
7. Medicare and Medicaid
8. PASS and IRWE

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INFORMED CHOICE

- A. Definition** - Informed choice means that an individual is assisted in acquiring information about and choosing a long-term vocational goal, intermediate rehabilitation objectives, vocational rehabilitation services, including assessment services, and service providers. The individual is also assisted in developing an understanding of the scope and nature of the services and service providers they need to develop and reach a specific identified vocational goal. At a minimum this will include information relating to the cost, accessibility, and duration of potential services, the consumer satisfaction with those services to the extent that information relating to consumer satisfaction is available, the qualifications of potential service providers, the types of services offered by those providers, and the degree to which services are provided in integrated settings.

Each individual receives, through appropriate modes of communication, information concerning the availability and scope of informed choice, the manner in which informed choice may be exercised, and the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice.

- B. Choice Afforded to the Client** - The choice of a client in terms of the above-stated items shall be honored, unless in the best professional judgment of the counselor they are unreasonable, unrealistic, inappropriate, or have a significant potential for harm to the client. In those cases the counselor shall explain the reasons for denial to the client and try to reach a compromise on the issue. If a compromise cannot be reached the client shall be afforded the right to mediation or appeal of the decision, which should include the right to contact and possibly receive assistance from the Iowa Client Assistance Program (ICAP).
- C. Financial Consideration** - When two vendors/services are judged comparable, except that one is significantly more expensive, it shall be considered reasonable for the agency to refuse to pay the higher cost. The client shall then have the choice of going with the less expensive provider or paying the difference in cost themselves. The client does have the right to mediation or appeal of the decision that two vendors are comparable and the agency's decision to use the one not of the client's choice.

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